



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

November 19, 2021

BY ECF and Email

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Maximiliano Torres-Torres*, 19 Cr. 195 (KMK)

Dear Judge Karas:

The Government and the above-referenced defendant respectfully submit this letter to request that the Court amend the above-referenced indictment to correct the defendant's name. The Indictment charges the defendant as "Maximiliano Torres-Torres," but as the defendant admitted in his presentence interview, the name "Maximiliano Torres-Torres" is an alias and his real name is "Jofre Santana." See PSR ¶ 54. The parties jointly request that the Court issue an order amending the Indictment to charge him as "Jofre Santana." Although Federal Rule of Criminal Procedure 7(e) only refers to amending an information, federal courts have extended this rule to permit the amendment of an Indictment to correct the spelling of a name where the Government and defendant consent. See, e.g., *United States v. Perez*, 769 F.2d 1336, 1338 (9th Cir. 1985) ("The amendment simply conformed the indictment to the accused's preferred name. The accused was not prejudiced by this change-he consented to it. . . . Therefore, the amendment was proper.").

Grant

So ordered

A MK

11/19/21

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: _____/s_____
Christopher D. Brumwell
Assistant United States Attorney
212-637-2477